

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Case Nos. RERA/CC/35/2022

Santosh Kumar

...Complainant

Vs.

M/s Agrani Homes Pvt. Ltd.

...Respondent

Project: - IOB Nagar, "Q" Block

ORDER

14.02.2023

This matter has been transferred from the Conciliation Forum. It is seen from the records that in the Conciliation Forum initially the respondent was present and had offered to settle the matter amicably, but subsequently failed to attend the proceedings.

The case of the complainant is that he had booked a flat in the year 2019 in the project IOB Nagar, Block-Q and paid Rs. 15.50 lacs against the total consideration amount of Rs.18.00 lacs. The complainant has stated that the respondent has neither started the work, leave alone handing over possession. Hence, the matter has been filed for refund of the principal amount with interest in the online petition. In the detailed submission the reliefs sought are for possession of the flat and if that is not possible, refund the amount with interest and compensation towards payment of house rent. The relief sought in the online petition is being considered.

Since the respondent had not challenged the submission of the complainant in Conciliation forum and neither appeared nor filed any reply, the claim of the complainant is admitted.

It is seen from the record that the respondent company had booked the flat in the year 2019 without registering the project with RERA, which is in contravention of Section 3 of the RERA Act, 2016. Hence, the Authority directs that suo-motu proceeding under section 35(1) of the RERA Act, 2016 may be initiated against the promoter.

In view of the submission of the complainant, the Authority hereby directs the respondent company and its Directors Shri Alok Kumar to refund the principal amount of Rs15.50 lacs to the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years from the date of booking of flat till the date of refund within sixty days of issue of this order.

With these directions , the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)